

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EMERSON LESLIE,

Petitioner,

vs.

D. W. NEVEN, et al.,

Respondents.

Case No. 2:13-cv-01989-APG-VCF

ORDER

The court granted in part respondents' motion to dismiss (#23), finding that petitioner had not exhausted the available state-court remedies for all his grounds for relief. Order (#46). Petitioner has submitted a motion for clarification (#46). He has three areas of concern, and the court cannot add much more than what it already has said in its earlier order.

First, petitioner asks whether facts alleged in grounds that he voluntarily dismisses would be applied to related grounds that would remain. As long as the facts were presented to the state court in the equivalent related grounds, then they are exhausted.


Second, petitioner asks whether this court would give him a limited remand to state court. This court does not have appellate jurisdiction over state courts. If petitioner returns to state court, then he would need to follow state procedures for commencing a new post-conviction habeas corpus petition. This court makes no statement whether petitioner could overcome any applicable procedural bars.

Third, petitioner asks whether this court would appoint the federal public defender to represent him in state court. This court will not.

1 IT IS THEREFORE ORDERED that petitioner's motion for clarification (#47) is **DENIED**.

2 IT IS FURTHER ORDERED that petitioner shall have fourteen (14) days from the date of
3 entry of this order to make the election required by the court's previous order (#46). Failure to
4 comply will result in the dismissal of this action.

5 DATED: June 8, 2015.

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ANDREW P. GORDON
United States District Judge